

Serial No. 09/589,973
Filed: 06/08/00
Page 2 of 3

Examiner: Necholus Ogden Jr.
Group Art Unit: 1751

REMARKS/ARGUMENTS

In the Officer Action mailed January 8, 2008, claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McAllise et al. U.S. Patent No. 5,500,977 in view of Miracle et al. 5,576,282. This rejection is respectfully traversed.

Applicants admit that the oxidizing bleaching composition of Miracle et al. '282 could tenably be incorporated with the cleaning solution in the solution tank of the McAllise et al. '977 reference consistent with the decision of the Board of a Patent Appeals and Interferences (BPAI). However, this combination of Miracle et al. '282 and McAllise et al. '977 would not meet the following limitations of claim 18:

Mixing the admixture (of oxidizing agent and cleaning solution) with heated air to heat the admixture; and heating the air before the step of mixing the admixture with heated air.

There is no disclosure in McAllise et al. '977 of heating air in the McAllise et al. '977 apparatus. The Examiner has not given any reasons as to why these steps would be obvious in view of the alleged combination of references. The Examiner's speculative conclusory statements are not reasons.

Therefore, claim 18 is not met by the alleged combination of McAllise et al. '977 and Miracle et al. '282.

Claims 2-10, 12-16, and 18-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable of Wang US Patent No. 5,987,696 (Wang '696) in view of Miracle et al. '282. This rejection is respectfully traversed.

With respect to claims 21 and all of the claims dependent therefrom, Applicants hereby reiterate and incorporate by reference the discussion of the Wang '696 reference and Applicants' response to the rejection of these claims over Wang '696 in view of Miracle et al. '282 as set forth on pages 4-6 of Applicants' Response to the Office Action mailed July 27, 2007, and filed on October 24, 2007.

With respect to claim 18, the Examiner has not articulated any reasons as to why claim 18 is met by the alleged combination of Wang '696 and Miracle et al. '282. It is therefore submitted that the Examiner has not met his burden of establishing a *prima facie* case of

Serial No. 09/589,973 Examiner: Necholus Ogden Jr.
Filed: 06/08/00 Group Art Unit: 1751
Page 3 of 3

unpatentability as required by *In re Vaeck* 947 F.2d 488, 20 USPQ 2nd 1438 (Fed. Cir. 1991). In any case, the alleged combination of Wang '696 and Miracle et al. '282 does not disclose the steps of mixing an admixture (of oxidizing agent and cleaning) with heated air to heat the admixture and heating the air before the step of mixing the admixture with heated air as set forth in claim 18.

Claims 2-10, 12-16 and 17-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over McAllise et al. '977 in view of Miracle et al. '282. This rejection is respectfully traversed.

With respect to claim 21 and the claims dependent therefrom, Applicants reiterate and incorporate by reference their discussion of this rejection on page 6-7 of Applicants' Response to Office Action mailed July 27, 2007, and filed on October 24, 2007.

With respect to the rejection of claim 18 over McAllise et al. '977 in view of Miracle et al. '282, this rejection is identical to the rejection of claim 18 above. Applicants reiterate their arguments with respect to the rejection of claim 18 over these references as set forth above.

In view of the foregoing remarks and amendments, is submitted that the claims are in condition for allowance. Early notification allowability is respectfully requested.

Respectfully submitted,

Eric J. Hansen and Jesse J. Williams

Dated: April 4, 2008 By: /John E McGarry/
John E. McGarry, Reg. No. 22,360
MCGARRY BAIR PC
171 Monroe Avenue, NW, Suite 600
Grand Rapids, Michigan 49503
616-742-3500 G0368967.DOC